(2)

Single Bench (Criminal)

CF0000087953

IN THE HIGH COURT OF JUDICATUREAT JABALPUR, MP.

Criminal Revision No. 639 /2000.

APPLICANT. COMPLAINANT. : Smt. Poonam Soni W/o. Shri Kunj Bihari, aged about 20 years, Occupation House hold, R/o. Bilmha, PS- Dhorpur, District- Sarguja, MP.

-Versus-

NON APPLICANTS.

1. Shri Kunj Bihari S/o. Ram Prasad Soni, aged about 29 years.
2. Ram Prasad @ Kangal, S/o. Halkori, aged about 60 years.
3. Uday Kuar S/o. Ram Prasad, Soni aged about 22 years.
4. Shanti Devi W/o. Ram Prasad Soni, aged about 49 years.
5. Kumari Babita, @ Chanda S/o. Ram Prasad Soni, aged about 20 years.

-All R/o. Nawapara Surajpur PS- Surajpur District- Sarguja, MP.

Filed on 4/5/2000 by Shri S.N. Bajpai Advocate

CRIMINAL REVISION U/S. 397/401 OF THE CODE OF CRIMINAL PROCEDURE.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

# आदेश पत्रक

Cr. Rev. No. 639/2000

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

| आदेश का दिनांक आदेश क्रमांक सहित | आदेश हस्ताक्षर सहित | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
|---|---|---|
| | 11/7/2001 | |

Shri Sunil Sinha, learned counsel for petitioner.

Heard on the question of admission.

The complainant is aggrieved by the judgment dated 31/3/2000 passed in Criminal Case No.669/95 by the learned Judicial Magistrate, First Class, Surajpur (Sarguja), acquitting the respondents of the charges punishable under Section 498-A of the IPC read with Section 4 of the Dowry Prohibition Act.

Learned counsel for the applicants submits that the Court below was absolutely unjustified in not placing reliance on the testimony of PW-1 - Poonam Soni, who had clearly stated before the Court that the demand was made and she was ill-treated by the accused persons. He also submits that the Court below was unjustified in throwing away the charges simply on the ground that the complaint came to be lodged after 1-1/2 year of the alleged incident. He has taken me through the statements of the witnesses.

On perusal of the judgment of the Court below it clearly appears that it has not rejected the prose-cution case only on the ground that the complaint was lodged after about 1 1/2 year of the alleged incident.

पीछे देखिये

आदेश पत्रक ( पुर्वानुबद्ध )

| आदेश का दिनांक आदेश क्रमांक सहित | आदेश हस्ताक्षर सहित | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
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The Court below after appreciating the evidence had recorded the findings that the wife had submitted an application under Section 125 Cr.P.C., while the husband had filed a suit seeking dissolution of marriage on the ground of mental derailment of wife. The Court has also found that the wife was required to appear before a Psychotherapist and the said Psychotherapist has certified that the wife was mentally derailed. Taking the evidence in its true spirit, the learned Court below has found that inview of the circumstances floating on the surface of the record it would be unsafe to rely upon a testimony of PW-1-Poonam Soni.

After going through the records, I am unable to hold that the findings shown perversity in appreciation of the evidence or the said findings are bad, illegal or contrary to record. In an appeal against acquittal the Court is not required to interfere with the findings recorded by the trial Court if the findings are reasonable and even if another view is possible, then in a revision where the scope is very limited, it would not be possible for this Court to alter ~~or to verify~~ the findings.

I find no reason to interfere. The petition is dismissed. Records of the Courts below be sent back.

Sd/-
R.S. Garg
Judge

rsnr

GRPRJ—FS/311—1/2001—50,000.